

**SF-83 SUPPORTING STATEMENT: Part A**  
**U.S. ENVIRONMENTAL PROTECTION AGENCY**

**1. IDENTIFICATION OF THE INFORMATION COLLECTION**

(a) TITLE: *SOURCE COMPLIANCE AND STATE ACTION REPORTING*

(b) ABSTRACT:

Source Compliance and State Action Reporting is an activity whereby State, District, Local, and Commonwealth governments (hereafter referred to as "States/locals" or "State and local agencies") make air compliance information available to the U.S. Environmental Protection Agency (EPA or the Agency) on a quarterly basis via input to the AIRS Facility Subsystem (AFS) of the Aerometric Information Retrieval System (AIRS). The information provided to EPA includes compliance activities and determinations, and enforcement activities. EPA uses this information to assess progress toward meeting emission requirements developed under the authority of the Clean Air Act (CAA or the Act) to protect and maintain the atmospheric environment and the public health. The EPA and many of the State and local agencies access the data in AFS to assist them in the management of their air pollution control programs. This renewal information collection request (ICR) affects 89 State and local agencies and the Federal EPA, and is expected to require 118,776 labor hours per year and cost approximately \$4.2 million annually. State and local agency burdens and costs alone are estimated as 85,496 hours and approximately \$2.7 million annually. On average, this burden amounts to less than one-half of one full-time equivalent employee for each State and local agency for national reporting of compliance- and enforcement-related data under all of the applicable Clean Air Act programs.

**2. NEED FOR AND USE OF THE COLLECTION**

(a) NEED/AUTHORITY FOR THE COLLECTION

(i) *Authority*

Much of this collection activity is authorized and required in the following subsections of regulations implementing the Clean Air Act under 'Subpart Q - Reports' in 40 CFR 51: Sections 51.323(c)(1), 51.323(c)(2), 51.324 (a) and (b), and 51.327. Some of the activity also is authorized by 40 CFR 70.4(j)(1), which addresses submittal of information to EPA by State and local agencies, and 40 CFR 70.10(c)(1)(iii), which addresses EPA oversight of State and local agencies' compliance and enforcement efforts for major sources under Title V operating permit programs. Much of the information also is necessary for EPA to provide adequate oversight for other Federal programs

delegated to States, such as the New Source Performance Standards (NSPS) in 40 CFR Part 60, National Emission Standards for Hazardous Air Pollutants (NESHAP) in 40 CFR Part 61 and Part 63, and New Source Review (NSR) permitting regulations in 40 CFR Part 51 and Part 52. The information also relates to the State Implementation Plan recordkeeping and reporting provisions in 40 CFR 51.116. Finally, the information is necessary for EPA to fulfill its oversight responsibilities to ensure that State Implementation Plans (SIPs) fulfill the testing, enforcement, and inspection requirements of 40 CFR 51.212, on an ongoing basis.

*(ii) General Need for the Data*

The stationary source compliance and enforcement air program promotes effective, cooperative, and coordinated efforts among EPA and the State and local agencies. The program recognizes the primary role of the State and local agencies in the prevention and control of air pollution. However, under the Clean Air Act, EPA has the ultimate responsibility to ensure the protection of the health and welfare of the American public. To meet these responsibilities, EPA provides guidance and oversight to the State and local agencies in two major areas: compliance surveillance and status activities, and enforcement activities.

The quarterly reporting of compliance status and surveillance information that is the subject of this renewal ICR are identified as a series of minimum data requirements (MDRs) that are listed in Table 1 in Section 4(b). The MDRs represent the minimum amount of data EPA believes is necessary to manage the national air stationary source compliance monitoring and enforcement program. These data elements are critical in prioritizing programs and conducting national evaluations. In addition, the information provided by these data elements enables the Agency to respond in a timely manner to requests for information with accurate, nationally defined and reported data. A number of external reports have documented the strong need for accurate and reliable State data at the national level (see, e.g., National Academy of Public Administration's (NAPA) "Evaluating Environmental Progress: How EPA and the States Can Improve the Quality of Enforcement and Compliance Information" (August 2001)). This information collection is an important component of EPA's mission to fulfill these data objectives.

*(iii) Reasons for Need for New Data as Part of this Renewal ICR*

The MDRs in this renewal ICR represent a change from the 1998 ICR for this collection activity. The changes are necessary to enable the Agency to implement the "Clean Air Act Stationary Source Compliance Monitoring Strategy" (April 2001) (CMS) and the "Timely and Appropriate (T&A) Enforcement Response to High Priority Violations (HPVs) Policy" (December 22, 1998). The following subsections discuss the nature of these policies and why the Agency needs to modify the information collection data elements.

## CMS Policy and Data

The CMS provides national guidance on developing, implementing, and evaluating stationary source air compliance monitoring programs. The 2001 CMS policy updates a prior 1991 version. In the intervening years since 1991, the national policy was not consistently implemented across the country by EPA Regions and their State/local agencies. Two major factors contributed to this situation: (1) the policy became dated as new Clean Air Act (CAA) programs were implemented, and the EPA's planning process changed; and (2) EPA Headquarters ceased to provide oversight of the policy on a national level when the Agency's compliance and enforcement program was reorganized. A review by the EPA Office of the Inspector General ("Consolidated Report on OECA's Oversight of Regional and State Air Enforcement Programs, E1G-AE7-03-0045-8100244," September 25, 1998) identified the lack of oversight as a fundamental problem that adversely affected the effectiveness of the air compliance and enforcement program.

In response to the Office of Inspector General report, the Office of Enforcement and Compliance Assurance (OECA) made a commitment to evaluate how the policy was being implemented, and to revise it as necessary. This review resulted in the new April 2001 CMS document. To implement the guidance, changes in AFS reporting capabilities are necessary. Specifically, changes have been made to the system to enable revised approaches associated with: identifying facilities; conducting compliance evaluations; and inputting information on Title V compliance certifications and stack tests.

### **!** Identifying Facilities

In the past, the stationary source air compliance program has focused on compliance for sources defined as "major" under the Clean Air Act. The universe of sources in the "major" category has been refined over the past several years as State and local agencies implement the operating permits program for major sources under Title V of the Clean Air Act. The list of Title V operating permit sources in a State becomes the list of AFS major sources for the State.

The 2001 CMS policy creates a subset of major sources characterized as "mega-sites." These are extremely large complex sources, for which special evaluation frequencies may apply (see below). To track these sources in AFS, EPA, based on input from State and local agencies, will prepare a list of mega-sites. Generally, a State or local agency will have only a limited number of these types of facilities and this list is not expected to create any material burden.

The 2001 CMS policy also addresses "synthetic minor" sources. These sources are sources that could be major sources except that they have agreed to comply with certain restrictions that limit their potential to emit below Title V major source levels. Many synthetic minor sources, especially

those with permitted emission levels just below major source levels, have nearly the same potential for environmental harm as major sources, and thus are important for compliance oversight. For this reason, the 2001 CMS policy recommends that State and local agencies conduct compliance evaluation activities for synthetic minor sources that have the potential to emit at or above 80% of the major source level. To implement the ability to track the data for these specific synthetic minor sources in AFS, one of the new MDRs requires States/locals to provide a list of all synthetic minor sources that also identifies which of these sources meets the 80% threshold.

### **!     Compliance Evaluations**

Historically, agencies have reported "Level 2" inspections, which under prior EPA policy were defined as inspections that evaluated compliance with all applicable requirements at a facility. In reviewing the CMS policy implementation, EPA determined that reporting of Level 2 inspections varied significantly, and that not all reported Level 2 inspections evaluated compliance with all applicable requirements at the source. EPA also recognized that the amount of self-reported compliance information is increasing for many sources, especially with the advent of the Title V permit program. Thus, the revised CMS policy recommends that State and local agencies conduct periodic "Full Compliance Evaluations" (FCEs).

In addition to changing the terminology, the 2001 CMS broadens the definition and understanding of these evaluations to include off-site evaluations. The revised policy also recognizes that it may not be necessary to conduct an FCE for each facility each year. The new policy recommends that a State or local agency conduct an FCE at the following intervals: (1) for each major source, at least once every two years; (2) for each synthetic minor source at 80% or more of the major source level, once every five years; and (3) for "mega-sites," at least once every three years. To implement the CMS recommendations, the AFS MDRs require reporting of FCEs in place of Inspection actions.

The 2001 CMS also recognizes the important role that less extensive compliance activities play in a State or local agency's compliance program. These can include report reviews, on-site evaluations that investigate only a portion of a source, follow-up to a citizen complaint, or any similar, documented compliance evaluation. Together, the CMS refers to these activities as "Partial Compliance Evaluations" (PCEs). The inclusion of PCEs in the 2001 CMS policy reflects the efforts of a CMS workgroup that involved EPA and State and local agencies. These efforts pointed to the importance that States/locals receive recognition for these activities and that the public is made aware of these additional compliance activities. To implement the policy's recommendations that documented PCE information be made available, EPA has modified AFS to include the ability to track PCE actions. EPA believes that PCE data reporting will increase the accuracy of AFS data reporting by providing a clear distinction between PCE and FCE compliance activities conducted by State and local agencies.

However, because of State and local agency concerns about potential burdens associated with PCE reporting, EPA has not established PCE reporting in AFS as an MDR, and reporting PCE information will remain optional pending further discussion with State and local agencies on this issue. As a result, this ICR does not calculate any estimated burden for PCE reporting.

Finally, the CMS policy also includes an "Investigation" category of compliance evaluations. The Investigations category involves intensive, in-depth compliance evaluations that are not typically pursued during routine, periodic evaluations. An example would be long-term analyses of plant changes to ensure compliance with New Source Review permit requirements. The MDRs for AFS have been modified to require tracking of these Investigations as a separate action category. However, the number of Investigations will be small within each State or local agency jurisdiction, and thus this change will not materially affect the amount of reporting for these agencies.

#### ! Other Information

The CMS policy also addresses two other forms of compliance activities: stack tests and Title V compliance certification reports. Each stack test constitutes a formal determination of compliance with particular, pollutant-specific regulations. Therefore, the CMS recommends that reports of stack test data include the date and results of each test for each pollutant. To implement this recommendation, EPA has modified AFS to include the ability to report a separate action for each pollutant tested that indicates whether a test was passed or failed. Historically, the MDRs have tracked stack test actions at the air program level as a single action for multiple pollutants (and potentially multiple emission units). The Inspector General's September 1998 report noted in particular that many reported Level 2 inspections were incomplete because not all necessary tests had been performed. In addition, the report identified concerns with consistent reporting of data.

The revised AFS reporting capabilities address these concerns. The revised reporting capability improves EPA's ability to conduct national program oversight and analysis, including the ability to analyze trends and effectiveness of stack test programs. However, because of State and local agency concerns about potential burdens associated with stack test reporting at the pollutant level, EPA has not established an MDR for reporting stack test results at the pollutant level. Although the revised MDRs do require entry of a result for reported stack test actions, the consultations with State and local agencies did not identify this as a material change in reporting, and EPA has assumed that the revised MDR will not change underlying baseline reporting burdens. Thus, this renewal ICR does not include any estimated new burdens for stack test reporting.

The CMS also recommends that State and local agencies include information on Title V compliance certification reviews. With the implementation of the Title V program, these reviews are an important component of an agency's compliance evaluation program. The burdens associated with

conducting the reviews is addressed in the ICRs for the Title V program (the ICRs address 40 CFR parts 70 and 71, respectively, see OMB Control Nos. 2060-0243 and 2060-0336), but the national reporting of results of that review are not addressed in that ICR. EPA has revised AFS to provide for reporting of the following for each certification: date due; date received; whether deviations were reported; date reviewed; and compliance status. Under the MDRs, the EPA Regional Offices have primary responsibility for ensuring entry of the first three listed data elements, while State and local agencies are responsible for entering the review date and compliance status elements. The Regional Offices and their State and local agencies can adjust these responsibilities in developing a final compliance monitoring plan.

### High Priority Violations Policy

If non-compliance is detected and enforcement activities are necessary, EPA prefers that a State or local agency take the lead in resolution of the violation, as long as the violation is addressed in a timely and appropriate manner. EPA has adopted the HPV policy to define what constitutes a timely and appropriate enforcement response, and to provide guidance on special procedures for high priority violations. Since 1998, EPA has worked to develop the appropriate reporting elements in AFS to implement the HPV policy. The revised MDRs in this renewal ICR reflect EPA's actions to modify the previous MDRs in a manner consistent with the HPV policy. Generally, these revisions reflect changes in terminology and do not materially affect the amount of reporting that respondents must perform.

#### (b) USE/USERS OF DATA

There are many ways in which EPA, State and local agencies, and the public can use the AFS compliance and enforcement data. As noted above, the MDRs represent the minimum amount of data EPA believes is necessary to manage the national air stationary source compliance monitoring and enforcement program. Some of the key uses of the data are to:

- (1) provide an accurate and accessible inventory of significant sources that are subject to Federal and State/local federally enforceable emission regulations;
- (2) assess the compliance status of sources with respect to these regulations (compliance status changes are reported quarterly to ensure progress for sources that are out of compliance and to continue surveillance for those which remain in compliance);
- (3) develop compliance and enforcement strategies;
- (4) target compliance activities and track enforcement actions;

- (5) develop new measures of regulatory program success;
- (6) prepare various EPA reports on a national, regional, sector, or other level;
- (7) standardize State and local reporting to EPA;
- (8) conduct regulatory analyses;
- (9) support multimedia initiatives which integrate quarterly reports of air, water, and land disposal compliance data;
- (10) provide timely and accurate response for information requests made by the public, pollution control vendors, Congress and other information requesters; and
- (11) provide a forum and model of successful State and local compliance programs (that include Federal data reporting) which can be used by other agencies in the development or expansion of their existing programs.

AFS has been developed to facilitate these uses. AFS is a management information system designed to track compliance and enforcement information. It is a fully-automated system which provides ready access to historical and current records for EPA, and State and local agency staff involved in compliance and enforcement activities. AFS resides on EPA's IBM 3090 mainframe computer at the National Computer Center (NCC) in North Carolina.

### **3. NON-DUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA**

#### **(a) NON-DUPLICATION**

The MDR data elements outlined in Table 1 of Section 4(b) represent minimum data requirements for effective implementation and management of a compliance and enforcement program. For EPA and the public, the AFS data are the only source of national information on compliance and enforcement activities. For State and local agency respondents, they generally collect the information as part of their customary business practice to manage their compliance and enforcement programs, and thus there is no duplication in terms of collection. To avoid duplication for reporting the data, EPA has developed the ability for State and local agencies to use AFS as their own data system for managing the data elements or to batch upload information from a State data system. Recently, EPA has been refining a Universal Interface (UI) to improve on the ability to batch upload information from

respondents' systems to AFS. The development and improvement in the UI over time is expected to ease the burdens on State and local agencies to transfer the information to EPA.

Consultations with respondents clearly indicate that batch uploading data can significantly reduce the overall burdens of reporting the data, but that under the current system there are complications even with batch uploading. The improvements to the UI and other EPA efforts to modernize AFS can play a large role in minimizing burdens and any duplicative effort. However, EPA notes that in some cases, a respondent may maintain its own data system and then manually enter AFS data into AFS. Although this approach results in some reporting duplication, certain State and local agencies find this approach to be a simpler option than the alternative of modifying their own records management approach (which can include paper files in some very small jurisdictions) to allow for batch uploading of data to AFS. The enhancement of the UI may decrease the number of States that choose to use manual data entry.

#### (b) PUBLIC NOTICE REQUIRED PRIOR TO SUBMISSION TO OMB

The first Federal Register notice on this ICR was published on February 1, 2001, (66FR8588). EPA also communicated with the respondents and accepted comments through May 2001.

#### (c) CONSULTATIONS

EPA provided information to the States/locals on potential changes to AFS reporting as part of its overall oversight responsibilities. The Agency encouraged comments and feedback from the States/locals about these proposed changes and received comments from STAPPA/ALAPCO, the Northeast States for Coordinated Air Use Management (NESCAUM, which represents the agencies for the New England States, New York and New Jersey), and several individual State and local agencies. In addition, EPA discussed the ICR at a national meeting with STAPPA/ALAPCO, the associations representing State and local air pollution agencies, in June 2001. EPA staff also met with State and local agencies in EPA Regions to answer questions and address concerns about changes in AFS reporting, and to conduct CMS training.

In addition, EPA followed up with commenting agencies to clarify the comments and confirm estimates of burden. EPA also discussed this information request and collected total labor estimates for AFS reporting from a survey of additional States/locals. Both the commenting agencies that provided burden estimates and the survey States are identified in Appendix 1. This information was used to develop the burden estimates discussed in Section 6, including the baseline burdens that respondents currently face, and the estimated burdens that respondents will face under the revised MDRs included in this renewal ICR.



Some comments specifically supported the CMS and HPV policies. However, a main concern in the comments from State and local agencies was the potential burden associated with PCE reporting and reporting each separate stack test by pollutant. In response to these comments and pending further discussions with the States/locals, EPA has not established MDRs for reporting PCEs and stack tests at the pollutant level -- although State and local agencies have the option to report these data elements.

Respondents also raised comments about whether EPA or respondents could revise certain data fields. EPA addressed those comments by allowing EPA Regions and individual respondents to negotiate those issues on an individual agency basis. In response to comments about various AFS reporting capability concerns, EPA has initiated efforts to evaluate AFS reporting and system changes. Commenters also raised concerns that the 1998 ICR failed to address local agency burdens and contained per agency burden estimates that were low. In this ICR, EPA has added burdens for delegated local agencies and has used the consultation process to revise (and increase) the estimated burdens for State and local agencies to meet current AFS reporting requirements.

#### (d) GENERAL GUIDELINES

This information collection contains no special circumstances that would conflict with the general guidelines in 5 CFR 1320.5.

#### (e) CONFIDENTIALITY AND SENSITIVE QUESTIONS

##### *(i) Confidentiality*

Any information submitted to the Agency for which a claim of confidentiality is made will be safeguarded according to Agency policies set forth in Title 40, Chapter 1, Part 2, Subpart B - Confidentiality of Business Information (see also 40 CFR 2; 41 FR 36902, September 1, 1976; amended by 43 FR 42251, September 20, 1978; and 44 FR 17674, March 23, 1979).

##### *(ii) Sensitive Questions*

This section is not applicable.

#### 4. THE RESPONDENTS AND THE INFORMATION COLLECTED

##### (a) RESPONDENTS/SIC CODES

The respondents for the information collection activity are State and local environmental agencies. These environmental agencies are classified in SIC 9511. Source compliance data assembled by the State and local agencies covers numerous SIC categories. The State and local agencies that report to AIRS are identified on EPA's Web site (see Contacts List at <http://www.epa.gov/ttn/airs>). The total number of respondents is 89 (50 States, the District of Columbia, Puerto Rico, and 37 delegated local agencies).

##### (b) INFORMATION REQUESTED

###### *(i) Specific Data Reporting and Recordkeeping Items*

Reporting: To manage the national air stationary source compliance monitoring and enforcement programs, EPA provides a set of minimum data requirements (MDRs) that set out the specific data elements to be reported and tracked in AFS for State and local agency compliance and enforcement activities. Table 1 provides a list of the revised MDRs, and indicates which MDRs were part of the 1998 ICR for AFS reporting and which elements are new. The stationary sources covered by the MDRs include major sources, synthetic minors, operating Part 61 NESHAP sources, NSPS sources, and sources receiving Administrative Orders or Civil Referrals.

Recordkeeping: Data submitted to EPA by respondents are maintained by EPA in AFS. Respondents are consequently not required as part of the data submittal effort to maintain these data outside of AFS.

###### *(ii) Respondent Activities*

The respondent activities associated with reporting of compliance, and enforcement actions are detailed in Worksheet 1 in Section 6(a), below. These activities include:

- ! Process, compile, and review information for accuracy and appropriateness; and
- ! Transmit information in written or electronic format for entry into AFS, including any necessary changes to State and local data systems to facilitate the transfer of the AFS MDRs.

These tasks generally are performed on at least a quarterly basis. Section 6 of this Supporting Statement describes the cost and burden of these respondent activities. Most of the burdens under Activity 1 are designated as Customary Business Practice (CBP) because the State and local agencies

must collect the information required by EPA for their own program management. For MDRs that were included in the 1998 ICR as well as this renewal ICR, States/locals generally agreed with the CBP designation. For some of the new data elements, not all agencies necessarily believe each element is an element that they would collect and review for accuracy in a manner to allow reporting to the AFS database, and they included some estimated burdens for these activities. Because the States/locals could not easily segregate these activities, Worksheet 1 addresses these estimated burdens as part of the "transmit information" activity.

**TABLE 1**  
**SUMMARY OF NATIONAL MINIMUM DATA REQUIREMENTS (MDRs)**  
**FOR CLEAN AIR ACT STATIONARY SOURCE COMPLIANCE**

Unless otherwise noted, both Regions and States/Locals report their data

<b><u>Identification</u></b>	<b><u>Covered by Current 1998 ICR</u></b>
1. Facility Name	Yes
2. State	Yes
3. County	Yes
4. Facility Number	Yes
5. Street	Yes
6. City	Yes
7. Zip Code	Yes
8. SIC Code	Yes
9. Government Ownership	Yes
10. HPV Status (replaces SV status)	Yes <sup>1</sup>
<b><u>Compliance Monitoring Strategy</u></b>	
11. CMS Source Category <sup>2</sup>	No
12. CMS Minimum Frequency Indicator <sup>2</sup>	No
<b><u>Regulated Air Program(s)</u></b>	
13. Air Program	Yes
14. Operating Status	Yes
<b><u>Regulated Pollutant(s) within Air Program(s)</u></b>	
15. Pollutant(s)	Yes
16. Classification(s)	Yes
17. Attainment Status	Yes
18. Compliance Status	Yes
<b><u>Actions Within Air Programs</u></b> <sup>3</sup>	
19. Minimum Reportable Actions are:	
Notice of Violation(s)	Yes
Administrative Order(s) and penalty amounts	Yes
(Includes Enforcement Orders, Consent Decrees and Consent Agreements)	
Civil Referrals and penalties	Yes
Day Zero	Yes
Addressing actions <sup>4</sup>	Yes
Resolving actions <sup>5</sup>	Yes
Full Compliance Evaluations (replaces Inspection actions)	Yes <sup>6</sup>
Stack Tests	Yes <sup>7</sup>
Title V Annual Compliance Certification Received <sup>8, 13</sup>	No
Title V Annual Compliance Certification Reviewed <sup>9, 10</sup>	No
Investigations <sup>11</sup>	No
<b><u>Additional action information:</u></b>	
20. Key Action <sup>12</sup>	No
21. Results Code <sup>7, 10</sup>	No
22. RD08 (Certification Deviations) <sup>8, 9</sup>	No
23. Date Scheduled <sup>13</sup>	No

Notes for Table 1:

1. Significant violator status (SV) is an obsolete field. It was replaced by the High Priority Violation (HPV) status in June 2000 with the implementation of the HPV tracking program. Modifications to AFS to support this program were put into production during January 2001. HPV status is system generated.
2. EPA entry into AFS; States/Locals provide information (or negotiate with EPA region for data entry rights).
3. Includes action number, action type, and date achieved. Penalty amount is also included where appropriate.
4. Examples of addressing actions include, but are not limited to: State/EPA Civil Action; Source returned to compliance by State/EPA with no further action required; State/EPA Administrative Order; State/EPA Consent Decree .
5. Examples of resolving actions include Violation Resolved by State/EPA; State/EPA Closeout Memo Issued; Section 113(d) Penalty Collected; Section 113(d) Complaint Withdrawn. HPV lead agency responsible for data entry of actions into AFS.
6. Inspection reporting for Level 2 Inspections is now replaced by Full Compliance Evaluations per the revised CMS policy.
7. Data fields reported for stack tests will now include Results code (pass/fail). Please note that an optional action pollutant field is available to report stack tests by pollutant.
8. EPA reports and enters into AFS unless otherwise negotiated.
9. Annual Compliance Certification deviation(s) will be indicated in RD08 for EPA reviews.
10. Result codes for Annual Compliance Certification reviews are: in compliance, in violation and unknown.
11. State/EPA Investigation Initiated and State/EPA Investigation Conducted. State/EPA Investigation Initiated is added for optional use and is enforcement sensitive.
12. The key action field (a Y/N field) used on a Day Zero action type will initiate a violation pathway. Violation pathways are one form of action linking and are required for the HPV tracking program. Data entry can be negotiated with State/Local agencies as they report their HPV information.
13. The Due date of a Title V Annual Compliance Certification will be reported as a date scheduled on the "Title V Annual Compliance Certification Due/Received by EPA" action.

## **5. AGENCY ACTIVITIES, COLLECTION METHODOLOGY, AND INFORMATION MANAGEMENT**

### **(a) AGENCY ACTIVITIES**

Activities performed by EPA personnel involve both EPA Regional and Headquarters staff. The Regional Offices generally serve as the primary liaison with respondents (and, if applicable, assume the primary role for any EPA reporting of data to AFS), while Headquarters staff focus on data system issues, data management practices, and other oversight activities. The EPA activities include (for purposes of estimating burdens, the first four items are considered the primary Regional Office activities and the last three items are considered the primary Headquarters activities):

- (i) Interaction (e.g., answer respondent questions, including liaison with State and local agencies, participate in national AFS data management discussions, etc.)
- (ii) Audit and review of data submissions
- (iii) Data entry and verification
- (iv) Report preparation
- (v) Program review (including, e.g., review of AFS user needs and suggestion of software revisions, or identification for State and local agencies of best/efficient data management and quality assurance practices)
- (vi) Data interpretation and analysis (including targeting activities)
- (vii) Quality assurance

### **(b) COLLECTION METHODOLOGY AND MANAGEMENT**

#### *(i) Overview*

The compliance and enforcement information collected from State and local respondents for entry into AFS is a well established process. Compliance and compliance action reporting to AFS and its predecessor, the Compliance Data System (CDS), has existed for the past 21 years. In many cases, the MDRs have been adopted by State and local agencies as essential to their compliance tracking programs. Many States automatically update AFS from a local state database, while some enter data into AFS directly. In some instances, EPA Regional Offices enter State and local agency compliance and enforcement data into AFS.

EPA data collection guidance and technical support to the respondent reporting community during the past 21 years has focused on supporting these agencies in their collection methodology in order to minimize the total burden associated with meeting their reporting requirements, and the Agency will continue to focus on these efforts. The continued development of the Universal Interface (UI) to

allow for batch upload of data from a variety of State and local agency data systems to AFS is a central component of the ongoing EPA effort to ease the burdens on agencies to report data to AFS. In addition, it was clear from consultations with respondents that AFS is an old system in which it is difficult to report, quality assure, and extract data. EPA is investigating AFS modernization issues, and will work with respondents to attempt to minimize the concerns about this issue.

EPA also has developed documents and memoranda to explain the collection and reporting of MDRs for AFS, such as user manuals. In addition to these documents, EPA provides the following methods to suggest means of optimizing the collection and reporting of AFS MDRs:

- ! An AFS telephone help line providing users with data collection transmittal and quality assurance support for a total of 2,080 hours per year (the help line staff also provide support to user queries sent via e-mail);
- ! User training provided an average of eight times a year at various locations nationwide;
- ! A national AIRS user conference featuring data reporting and quality assurance presentations and hands-on training sessions and data analysis results; and
- ! A national AFS compliance workshop where input is solicited from Regional representatives as to the best means for better data collection and reporting, and attendees are provided with reports regarding the EPA data analysis relative to program progress. The output of these meetings include memoranda or best practices documents that are promulgated to state data collection and reporting respondents.

EPA presents these tools in plain English to provide novice and experienced personnel with suggestions as to how their reporting burden can be minimized. More specific guidance is provided as each EPA Regional Office enters into specific agreements with State and local agencies on AFS reporting.

#### *(ii) Data Quality Checking Procedures*

AFS data are edit validated by the system for range, context and appropriate database record identification and cross referencing upon submittal to AFS. On a quarterly basis, EPA reviews the data submitted by State and local agencies for thoroughness, timeliness and accuracy. During FY '99 OECA developed additional AFS quality assurance guidance and procedures.

#### *(iii) Machine and Processing Technology*

AFS is operated on the EPA National Computer Center (NCC) IBM 3090 mainframe computer.

*(iv) Data Entry and Storage*

Once compliance data are submitted to EPA either directly into AFS or to the Regions who update it to AFS, the data are managed and maintained by EPA. EPA policy specifies the security and retention requirements for its databases, in addition to the specific program requirements and archiving protocols associated with each compliance data collection program.

*(v) Public Access*

The public may access AFS data through three primary ways:

- ! Freedom of Information Act requests made to EPA;
- ! 'Browse'(read) only access to AFS non-confidential data. This requires an NCC user account and AFS non-confidential data access security clearance; and
- ! Review of AFS data available through EPA-supported Web sites, including the Sector Facility Indexing Project (SFIP), Envirofacts and the AIRS and AIRSExecutive sites.

**(c) SMALL ENTITY FLEXIBILITY**

The respondents for this information collection activity are State, Local, District, and Commonwealth environmental agencies. The Regulatory Flexibility Act (RFA), incorporated in the 1995 Paperwork Reduction Act, defines a "small governmental jurisdiction as governments of cities, counties, towns, townships, villages, school districts, or special districts with a population of less than 50,000." The State and local agencies covered by this renewal ICR are above that threshold, and therefore no small entities will be affected by this information collection.

**(d) COLLECTION SCHEDULE**

AFS data are collected on a quarterly basis, using the quarters associated with the Federal fiscal calendar. On a quarterly basis, Regional and HQ EPA program staff develop trend and status reports from AFS and assess the completeness of the data submitted. The quarterly data consists primarily of compliance and enforcement activities (the "Actions" elements on Table 1, above), and not source identification and basic information. One of the strengths of the air compliance data program is that it maintains a stable inventory of sources in AFS. This inventory changes very slowly and only as source ownership or operations change. States should not modify or report on most of this inventory data quarterly or even annually.



## 6. ESTIMATING THE BURDEN AND COST OF THE COLLECTION

### (a) ESTIMATING RESPONDENT BURDEN

Worksheet 1 reports the annual respondent burden estimates by burden activity. Worksheet 1 is derived from Appendix 1 plus burden activity assumptions discussed in Section 4(b)(ii) of this collection request. The respondent hour burden presented in this renewal ICR reflects the current MDRs (other than the optional PCE and stack test by pollutant MDRs), which differ from the 1998 ICR, as listed in Table 1 in Section 4(b) of this document. Based on the consultations identified in Section 3(c) and other data analyses, the burden estimates incorporate the following assumptions and findings:

- ! There are 89 respondents. These include all agencies identified as reporting entities on EPA's most recent respondent contact list for AIRS (see Contacts list available at <http://www.epa.gov/ttn/airs>).
- ! Each respondent will provide some information at least four times per year.
- ! The baseline number of affected major sources is 23,272 nationwide (based on final FY 1999 reported data). In addition, there are 16,624 synthetic minor sources (Final FY 1999 reported data), and the information collection includes elements concerning synthetic minor sources.
- ! The average respondent hours per response for reporting activities will depend on the number of sources for which a State or local agency must collect and report compliance and enforcement data. To reflect these differences, EPA has grouped the agencies in three categories for purposes of this ICR based on the number of Title V major sources that are in each State and local agency's jurisdiction. Agencies with  $\leq 150$  major sources are classified as small, agencies with 151-499 major sources are classified as medium, and agencies with  $\geq 500$  major sources are classified as large. Final FY 1999 data were used to classify each State and local agency. Of the 89 respondents, 51 are small (15 States, the District of Columbia, Puerto Rico and 34 delegated local agencies), 21 are medium (19 States and 2 local agencies), and 17 are large (16 States and one local agency). Note that the burdens per response shown in Worksheet 1 are based on annual burdens divided by four to obtain estimated quarterly response burdens. Appendix 2 identifies which State and local agencies are in each classification.
- ! Even within each category, the consultations with States/locals reveal significant differences in estimated burdens. To reduce the impact of outlying data on projecting burdens for a typical State or local agency, the national burden estimates in this renewal ICR use all of the data to provide a median value within each category instead of a simple average.